

Application No.: 09/696,801

Docket No.: 524412000200

REMARKS

Claims 13 and 60 have been amended in identical ways for clarification as discussed with Examiner Clow. It was understood that the sequence of the first nucleotide sequence is not previously known, but that the claimed method represents an attempt to obtain a corresponding gene in one species to known genes in other species that, when expressed, provide a specific phenotypic characteristic. The method claimed provides a means to design primers that will be sufficiently homologous to conserved portions of a family of genes to permit identification, isolation and/or cloning of the first sequence. Support for this language is found on page 7 of the specification, lines 1-3.

It was noted that there was some concern that the addition of the word "specifically" before "target" in the last line of claim 13 or claim 60 might not have *in haec verba* support. Clearly the support is inherent since the object is to retrieve the corresponding gene itself. However, the word "specifically," is believed therefore unnecessary. If the Office prefers to insert it, there is no objection from applicants. It is understood that the Amendment to refer to primer length, rather than portion length overcomes the rejection.

It is believed that the amendments to the claims clearly place them in a position for allowance and passage of all pending claims, claims 13-14, 16-17, 19, 25-26, 34, 36, 39-41, 47-48, 60-61, 64-66, 72-73 and 81-82 be passed to issue.

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In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 524412000200.

Respectfully submitted,

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